

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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|-------------------------------|---|-------------------------------|
| IN RE PHARMACEUTICAL INDUSTRY |) | |
| AVERAGE WHOLESALE PRICE |) | MDL No. 1456 |
| LITIGATION |) | |
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| THIS DOCUMENT RELATES TO: |) | CIVIL ACTION: 01-CV-12257-PBS |
| |) | |
| ALL ACTIONS |) | Judge Patti B. Saris |
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NOTICE OF FILING UNDER SEAL

To: All Counsel of Record

Please take notice that on May 19, 2006, we, as attorneys for plaintiffs, caused to be filed under seal with the Clerk of the United States District Court for the District of Massachusetts the following items:

1. Declaration of John A. Macoretta, Esquire in Support of Plaintiffs' Motion to Unseal all Confidential or Highly Confidential Designated Documents Used in Summary Judgment Proceedings, with attached Exhibits.

DATED: May 19, 2006

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CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **NOTICE OF FILING UNDER SEAL** be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on May 19, 2006, a copy to LexisNexis File and Serve for Posting and notification to all parties

By /s/ Steve W. Berman

Steve W. Berman

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